

December 31, 2012

Mr. Jeff S. Jordan, Esq.  
Kim Collins  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

RE: MUR 6701  
Response to Complaint  
By Email: [KCollins@fec.gov](mailto:KCollins@fec.gov)

Dear Mr. Jordan and Ms. Collins,

Please accept this as the response to the complaint filed by the New Mexico Republican Party.

**RE: General Overview:**

The New Mexico Republican Party filed the above-referenced complaint with the FEC on December 5, 2012. Just like their previously filed complaint (MUR 6573) it is replete with knowingly false statements ("subscribed and sworn" to), unsupported allegations, and innuendo. As such it should be dismissed and the complainant sanctioned for misusing the regulatory process of a federal agency to try to score political points.

The complaint itself is bizarre. It spends little time on the supposed "massive financial discrepancy" that it requests the FEC investigate, but devotes an inordinate amount of time to supposedly stolen emails, which has nothing to do with FEC's regulatory jurisdiction.

**RE: Cash on Hand Balances:**

The complaint focuses on the cash-on-hand balance listed in the second quarter report filed in July 2012. However, the cash-on-hand balance for this report was not accurate due to what appears to be a technical glitch.

There were only two itemized receipts (Schedule A) for the period in question. Both have accompanying Memo/Descriptions that were reported when filed. They were as follows:

4/11/2012 Communications Workers of America \$30,000.  
6/11/2012 Communications Workers of America \$220,000.

The 4/11/2012 contribution had an accompanying memo and was also listed in schedule B itemized disbursements on 4/12/2012 (Memo 795443SBSB21B.4507-

*"transfer from federal account to state account"). Thus, this receipt from schedule A became a disbursement on schedule B. Despite being reported as both it appears not to have been calculated by the FEC File software into line 31 (A technological glitch).*

**The 6/11/2012 contribution had an accompanying memo and was also listed in schedule B itemized disbursement on 6/20/12 (Memo 795443SBSB21B.4532- "Return of Contribution for Bookkeeping Purposes"). Thus, this receipt from schedule A became a disbursement on schedule B. Despite being reported as both it appears not to have been calculated by the FEC File software into line 31 (A technological glitch).**

It is not know why the data was included in schedule A and schedule B--including being detailed in memos--but not added into line 31 by FEC File. But since both entries were listed in schedule B they should automatically have been added to line 31 by FEC File and both automatically subtracted from the cash-on-hand closing balance. Line 31 shows disbursements totaling \$4784.83, which is the total of all other disbursements from schedule B but not including the two listed above.

The exact nature of the glitch is unknown, as I have almost no technical background from which to assess this information. As the FEC technical department's records should reflect I have contacted them and received technical assistance on working with the software. On June 12, 2012, I worked extensively with Stefanie Shiver, who provided tremendous help to me so that I could amend another report. Some of the technical problems most likely arose from my inexperience with the Windows operating systems. This may have impacted the subsequent filings in question. (Please see email string with Mr. Ken Lally, Project Manager/Program Coordinator dated 6/12/12, which discusses the assistance from Ms. Shiver).

Ms. Shiver's work notes from that day, may provide some insight as to the assistance she provided including setting up a new file for me to work from.

As for the difference between closing balance and opening balance of the third quarter report, it appears that FEC File may have read the closing balance off of a different report and not from the second quarter report thus creating a different closing and starting balance. Again, Ms. Shiver's work notes may help to shed light on why FEC File appears to have read the cash-on-hand from a different report.

Regardless of the accusatory nature of the complaint, nothing was done to try to override or alter any data. There was nothing done to mislead, or misrepresent in the reporting to the FEC. I have always strived to work with the FEC as diligently as possible. I have always quickly corrected any mistakes that were made due to my admitted inexperience.

Should the FEC wish, I would be happy to re-enter and re-submit any data and reports once the technical issue can be better understood and not duplicated.

**RE: False Accusations by NM GOP:**

The NMGOP's complaint went on at great length about supposedly "stolen emails" and other irrelevant information that appears to have been done solely to brand me as some kind of criminal.

The NMGOP upon filing the complaint issued a press release of its own. It too focused much more on turning me into a criminal rather than on the supposed filing issues of the cash-on-hand balances.

As a professional investigator turned investigative reporter (See our response in MUR 6573), I have caught Governor Susana Martinez, and numerous high-level staff members (chief of staff, deputy chief of staff etc. and her closest advisor among others) illegally colluding during the procurement process on a 25-year contract worth over a billion dollars to the campaign contributors she handed the contract to.

The emails alluded to by the NMGOP, were emails that I provided to state law enforcement officials at their request, who were investigating these illegal actions by Governor Martinez, her henchmen and campaign contributors.

In reporting such illegal conduct and providing evidence of it, I am what is clearly defined as a whistleblower.

The NMGOP had hoped to discredit the emails because they corroborate the illegal collusion that we have reported as conducted by the administration. They are also trying to discredit me as a whistleblower.

Unfortunately for the NMGOP, Gary King, the New Mexico Attorney General and highest ranking law enforcement official in New Mexico, recently released to the media all of these supposedly "stolen" emails declaring them to be public record that concerns the conduct of government business.

This shows quite clearly that the NMGOP's sole purpose in filing the complaint was to try to use the FEC's filing process as a public relations tool to misdirect the public away from the conduct of a governor caught breaking the law.

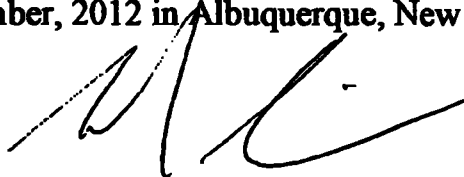
**RE: Conclusion:**

As laid out, it appears that there was a software glitch in FEC File that did not calculate disbursements listed on schedule B into line 31. Therefore, the cash-on-hand balances did not adequately reflect the actual disbursements. In addition, perhaps because of some previous technical issues that I received assistance from the FEC to try and address, FEC File may have selected a different report when choosing cash-on-hand balances.

The FEC has been aware of and understanding of the learning curve that I as a first time treasurer have been working through. I have been in regular contact with the FEC to correct any mistakes made and have been responsive to the FEC whenever an issue has been raised. I continue to stand willing to work with the FEC as needed.

Thank you for the opportunity to set the record straight.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed this 31st day of December, 2012 in Albuquerque, New Mexico.

A handwritten signature in black ink, appearing to read 'Michael Corwin', is written over the printed name.

Michael Corwin  
Treasurer, Independent Source PAC

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